



Summary Minutes of the Delta Protection Commission Meeting Thursday, January 23, 2014

West Sacramento City Hall – Galleria Room
1110 West Capitol Avenue
West Sacramento, CA 95691

ADMINISTRATIVE AGENDA

1. Call to Order/Flag Salute

Chair Ruhstaller called the meeting to order at 5:04 p.m. and initiated the flag salute.

2. Roll Call

Commissioners Present: Chair Ruhstaller, Commissioners Burgis, Villegas (for Commissioner Cabaldon), Ferguson, Ferrara (for Commissioner Laird), Nomellini (for Commissioner Scriven), Thomson, van Loben Sels, and White (for Commissioner Kelly). A quorum was established with nine Commissioners. Ex-Officio Member Frazier was also present.

Commissioners Mitchoff (for Vice-Chair Piepho), Provenza, and Nottoli arrived during or after Roll Call.

Commissioners Absent (with no Alternate present): Commissioners Bugsch, Miller, Ross and Ex-Officio Member DeSaulnier.

3. Welcome and Public Comment. Opportunity for the Public to Address the Commission Regarding Items Not on the Agenda

Chair Ruhstaller welcomed the other members of the Commission, staff, and the audience members. He asked for any public comments and there were none.

CONSENT AGENDA

4. Approval of November 21, 2013 Meeting Minutes

It was moved by Commissioner Nomellini and seconded by Commissioner Burgis to accept the November 21, 2013 minutes; in a voice vote, all present voted Aye, with Commissioner Villegas abstaining due to his absence at that meeting.

REGULAR AGENDA

5. Consider approval of Delta Protection Advisory Committee (DPAC) Charter Revision

Executive Director Vink briefed the Commission on recent DPAC meetings (November 5, 2013 and January 6, 2014) and highlighted proposed changes to the DPAC Charter developed by a DPAC subcommittee (Melinda Terry, Leo Winternitz and Gilbert Labrie) and approved by the DPAC. The main proposed changes are in Sections V (the DPAC Chair reporting directly to the Commission), Section IX [15 members serving three-year terms with no limits and the ability to designate alternate attendees, with 9 seats reserved for Delta residents and business interests, two seats for State agencies (preferably CA Dept. of Fish and Wildlife and CA Dept. of Parks and Recreation), two seats for non-governmental habitat organizations, a water export representative, and a utility entity that is in or crosses through the Delta; in addition, ex-officio invited participants include U.S Fish and Wildlife Service, U.S. Bureau of Reclamation, U.S. Army Corps of Engineers, CA Department of Water Resources, an emergency response entity and a cultural preservation entity], and Section XII (the Committee would meet no less that twice a year). With approval of the revised charter, DPC staff will recruit members and bring a slate of DPAC members back to the Commission for approval at its March 2014 meeting.

Commissioner Ferrara asked why the Department of Water Resources (DWR) was an ex-officio member rather than a full member of the Committee; Mr. Vink explained the process of formulating the DPAC membership positions and the intention to focus State agency participation on recreation and wildlife interests, especially given the participation of a water exporter as a DPAC member.

Commissioner Nomellini asked if a water export representative could be replaced with a DWR representative. Mr. Vink explained that the water export member was currently attending and quite active within the Committee.

Chair Ruhstaller commented that the DPAC charter revision would allow the DPAC to be re-constituted, select a Chair and move forward with its activities. He suggested approving the revised charter now and the Commission could always revise the membership at a later date. Commissioner Thomson commented that it was a well-rounded group and was appropriate to include more residents and non-State members. Chair Ruhstaller asked for public comment and there was none. It was moved by Commissioner Thomson and seconded by Commissioner Provenza to approve the revised DPAC charter; the motion carried unanimously.

6. Consider approval of the 2013 DPC Annual Report

Mr. Vink gave a brief overview of the Annual Report contents and asked for any comments or suggestions. Commissioner Ferguson asked if there was any data that staff could use to include the acreage taken out of agricultural production in the last year as they had in reports past. Mr. Vink responded that it would be difficult to incorporate in this report, but that he believed staff could find a way to reflect the information in future reports.

Chair Ruhstaller asked about the location on the cover of the report, and it was agreed that it should be identified in the photo credit. Commissioner Mitchoff pointed out an error on the title of page four.

Chair Ruhstaller asked about any mentions of BDCP opposition, and Mr. Vink directed him to two sections that mention the Commission's actions on BDCP.

Commissioner Thomson suggested approving the report as-is, and on the next report including the acreage data. Commissioner Provenza suggested that mitigation acreage be included as well. Mr. Vink indicated that staff could capture the acreage information in the project table. Chair Ruhstaller suggested getting the data from the county planning departments.

Chair Ruhstaller asked for public comment and there was none. It was moved by Commissioner Burgis and seconded by Commissioner Nottoli to approve the 2013 DPC Annual Report and to file any addenda in the near future; the motion carried unanimously.

7. Receive a report on Delta Heritage Area Initiative (DelHAI): Branding and Marketing

Mr. Vink introduced the DelHAI project and explained that it was the Commission's effort to protect, enhance and sustain the unique values of the "Delta as Place". He explained that one of the DelHAI initiatives was the branding and marketing work that DPC and the Delta Conservancy were jointly completing. He introduced DPC project manager Alex Westhoff, who spoke on the branding portion of the project, and Campbell Ingram from the Delta Conservancy, who spoke about the marketing effort.

Commissioner Burgis commented that she had attended one of the branding/marketing meetings in Oakley and felt it was important for residents and those working in Delta communities to have a sense of ownership in the process that directly affects them.

Chair Ruhstaller asked for public comment.

Clarksburg-area resident Mary McTaggart asked how the branding/marketing effort was including Delta commercial agricultural interests. Mr. Westhoff confirmed residents and farmers both were attending the discovery meetings. Ms. McTaggart suggested these may be small-scale farmers and not large-scale commercial farmers. Chair Ruhstaller assured the speaker that this effort would not be finalized without coming back before the Commission, and suggested this would be a matter that DPAC could involve itself in.

Walnut Grove resident Karen Medders commented on the branding/marketing meeting she attended, and questioned whether anything positive could come out of the effort if the BDCP were approved and Delta communities were degraded by BDCP impacts. She further commented that she was opposed to the Delta National Heritage Area and taking federal money related to the designation, and questioned how much of the payments in lieu of taxes had been made by public agencies acquiring land in the Delta.

Commissioner Provenza responded that Delta County representatives had raised that question with Assembly Speaker Perez just the day before. Commissioner Nottoli commented that payments in lieu of taxes are never fully provided and result in reduced property tax rolls. He suggested that there should be a scorecard showing who contributes to services provided and who actually benefits.

Commissioner Nomellini gave the example of Staten Island, which was purchased by The Nature Conservancy with a DWR grant, and Liberty Island, which was purchased with CALFED funding. He said the continued acquisition of private land for restoration by public agencies was an issue DPC should track, similar to what was done in the early days of the Commission under Executive Director Margit Aramburu.

Chair Ruhstaller asked for public comment. North Delta farmer Mark Wilson asked that all plus and minuses of the BDCP be listed and commented on, not just an overall report.

Melinda Terry, Executive Director of the California Central Valley Flood Control Association and Manager of North Delta Water Agency, commented on the DPAC charter, having arrived late. She endorsed the work of the subcommittee that revised the charter, and thought the revised DPAC membership was a better representation of the economic interests of the Delta. She expressed appreciation for DPC staff's assistance.

8. Receive update on the DPC Strategic Plan 2020

Mr. Vink discussed the report from the January 10th DPC Strategic Planning Workshop and the draft themes/goals document that was provided to the Commissioners just prior to this meeting. He then introduced DPC strategic planning staff facilitator Jim Nelson.

Mr. Nelson pointed out the direction to staff at the January workshop to prepare a draft themes/goals document, using the current strategic plan as a guide. He suggested an ad hoc committee of DPC Commissioners to move forward with the next steps of developing the new strategic plan.

Chair Ruhstaller asked staff counsel Jessica Tucker-Mohl about the number of Commissioners who could participate on an ad hoc committee, and she replied that there are no limitations on how many Commissioners can attend, but any meeting of three or more Commissioners is considered a public meeting and subject to the Bagley-Keene Public Meeting Act. Chair Ruhstaller asked for Commissioner interest in the ad hoc committee and stated that Commissioners could contact staff if they wished to participate, as he understood everyone's time constraints due to the busy season that includes the BDCP.

Commissioners Mitchoff and Nottoli expressed concern about the lack of time to participate in the coming months.

After further discussion, it was agreed that Commissioners generally had more availability to participate in an ad hoc committee after March. Staff agreed to resume the discussion with Commissioners at the March meeting, based on the themes/goals document presented at this meeting.

Chair Ruhstaller asked for public comment and there was none.

9. Receive update on the Bay Delta Conservation Plan (BDCP) – Schedule for DPC comments

Mr. Vink reports that staff had met with North Delta interests and intended to meet with South Delta interests to receive input from them. He indicated he intends to bring a draft comment letter to the Commission at its March meeting. The focus of the comments will be on "Delta as Place", Delta-specific impacts, and incorporating comments on Delta impacts that might not be made by other parties.

Commissioner Nomellini responded that there will be a litany of comments, but there are obvious ones such as the adverse impact on agriculture, the degradation of water quality, the relationship of water flows to the fishery decline, impacts on recreational fishing, and legal issues that his office will be including because they believe there are

defects in the environmental documents. He hopes to be able to share their comments with staff by the March meeting.

Commissioner Nottoli commented how important it will be to not only reflect on the habitat and environment in the DPC comments, but that we also look at the impact on the people of the Delta, both now and in the future. He stated that we run the risk of degrading the lifeblood of the Delta and being left with ghost towns.

Commissioner Ferrara reminded everyone about the 12 open house public meetings being held statewide to present information regarding the BDCP.

Chair Ruhstaller asked for public comment.

Ms. Terry asked that the Commission include a comment on the 750 unavoidable impacts in the EIR/EIS. She believes the Commission should focus on agriculture impacts of the BDCP, especially land use, farmland, water sources, water quality, and water diversions. She also suggested commenting on issues relating to salinity, seepage, erosion, changes in elevation, and mitigation funding.

Ms. Medders suggested that the Commission request an extension in the deadline to comment on the BDCP document. She also commented that every county in the State should have a public BDCP meeting as the water issues affect all of California.

Ms. McTaggart asked if the DPC put the north Delta towns into the Delta Secondary Zone. DPC Assistant Executive Director Catherine Caldwell responded that maps adopted by DPC in November 2012 excluded legacy communities from the Primary Zone and they thus are considered in the Secondary Zone for land use review purposes. Mr. Vink said that staff would follow up with Ms. McTaggart and the Commission with those details regarding the zone status of the legacy communities.

10. Receive Executive Director Report

Mr. Vink mentioned the Delta Voice newsletter (handed out at the meeting) and asked if Commissioners had any questions or comments on anything else in his report. There were no questions or comments.

11. Recognition of Mike McGowan

Chair Ruhstaller reflected on Supervisor Mike McGowan's service on the DPC, including that he was an original Commissioner serving continuously from the DPC's inception until December 2013, and that he served as Chairman from 2005 to 2007. Commissioner Mitchoff presented Mr. McGowan with a resolution from Contra Costa County and wished him well in his future endeavors. Mr. McGowan spoke about his time of service from the inception of the DPC until the November 2013 meeting. He stated that he looks forward to seeing the Commission move forward in being the voice of the Delta. On behalf of the Delta County Supervisors, Chair Ruhstaller presented him with a painting of the Delta as appreciation for his service.

12. Adjourn

Chair Ruhstaller adjourned the meeting at 7:09 p.m.